

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

James D. Rose and
Diane L. Rose,

Debtors.

CHAPTER 7
BKY 19-41577-KHS

**NOTICE OF HEARING AND MOTION
FOR TURNOVER OF PROPERTY**

TO: THE UNITED STATES BANKRUPTCY COURT, THE UNITED STATES TRUSTEE, THE DEBTORS, AND THE DEBTORS' ATTORNEY.

1. Julia A. Christians, Chapter 7 trustee herein, moves the Court for the relief requested below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion on August 14, 2019, at 10:00 a.m. in Courtroom No. 8 West, at U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415 or as soon thereafter as counsel can be heard. Any response to this motion must be filed and served not later than Friday, August 9, 2019, which is five days before the time set for the hearing (including Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

3. This Court has jurisdiction over this motion under 28 U.S.C. § 157 and § 1334 and Bankruptcy Rule 5005. This motion is filed under Local Rule 6072-1, this proceeding arises under 11 U.S.C. § 542(a) and movant requests an order directing the debtors to turn over: \$363.66, for the non-exempt portion of the debtors' 2014 Chevrolet Malibu; \$1,200, for the value of the Hallet Davis baby grand piano; \$700, for the value of the bicycle, slalom ski and jump skis; \$805, for the value of the non-exempt jewelry; \$162.53, for the non-exempt portion of funds on deposit in the Wells Fargo account; \$210.18, for the non-exempt portion of funds on deposit in the Bank of America account; \$3,115, for the value of the stock owned through stock club; \$15.66 for the non-exempt portion of earned, unpaid wages; \$1,662, for the cash surrender value of the second, unlisted Northwestern Mutual whole life insurance policy owned by James Rose; \$4,000, for the funds transferred on the date of filing from Wells Fargo account xxx0666 to unlisted account xxx9533; copies of the debtors' federal, state and any property tax returns, as soon as prepared; all 2018 income and property tax refunds, as soon as issued; copies of the debtors' 2019 federal, state and any property tax returns, as soon as prepared; and, all 2019 income and property tax refunds, proportionate to the date of filing, as soon as issued.

4. The petition commencing this case as a Chapter 7 case was filed on May 24, 2019. This case is now pending in this Court.

5. The trustee demanded turnover of the afore-said documents and property of the estate. However, the debtors have failed to respond. Therefore, the trustee requests an order directing the debtors to comply with turnover without further delay.

LAPP, LIBRA, STOEBNER & PUSCH

Dated: July 25, 2019

By /e/ Julia A. Christians
Julia A. Christians (#157867)
120 South Sixth Street
Suite 2500
Minneapolis, MN 55402
612/ 338-5815

Attorneys for the Trustee

VERIFICATION

I, Julia A. Christians, named in the foregoing Notice of Hearing and Motion for Turnover of Property declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Executed on July 25, 2019

/e/ Julia A. Christians
Julia A. Christians

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

CHAPTER 7
BKY 19-41577-KHS

James D. Rose and
Diane L. Rose,

Debtors.

UNSWORN CERTIFICATE OF SERVICE

I, Katie J. Stimpel, declare under penalty of perjury that on July 25, 2019, I mailed copies of the attached Notice of Hearing and Motion for Turnover of Property and proposed Order by first class mail postage prepaid to each entity named below at the address stated below for each entity:

James D. Rose
Diane L. Rose
840 Deerwood Drive
Chaska, MN 55318

VIA ELECTRONIC FILING ONLY

- Julia A. Christians jchristians@lapplibra.com, lfrey@lapplibra.com;kstimpel@lapplibra.com;MN0A@ecfcbis.com
- Bradley J. Halberstadt bankruptcy@szjlaw.com
- Chad A. Kelsch chad@kelschlawfirm.com
- Joseph M. Rossman jrossman@logs.com, MNBKYAffidavits@logs.com
- US Trustee ustpregion12.mn.ecf@usdoj.gov

Executed on: July 25, 2019

/e/ Katie J. Stimpel
Katie J. Stimpel, Legal Assistant
Lapp, Libra, Stoebner & Pusch, Chartered
120 South Sixth Street, Suite 2500
Minneapolis, MN 55402
612/338-5815

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ORDER

This case is before the court on motion for turnover of property. Based on the motion and the file,

IT IS ORDERED:

The debtors turn over to the trustee within 7 days of the date of this order: \$363.66, for the non-exempt portion of the debtors' 2014 Chevrolet Malibu; \$1,200, for the value of the Hallet Davis baby grand piano; \$700, for the value of the bicycle, slalom ski and jump skis; \$805, for the value of the non-exempt jewelry; \$162.53, for the non-exempt portion of funds on deposit in the Wells Fargo account; \$210.18, for the non-exempt portion of funds on deposit in the Bank of America account; \$3,115, for the value of the stock owned through stock club; \$15.66 for the non-exempt portion of earned, unpaid wages; \$1,662, for the cash surrender value of the second, unlisted Northwestern Mutual whole life insurance policy owned by James Rose; \$4,000, for the funds transferred on the date of filing from Wells Fargo account xxx0666 to unlisted account xxx9533; copies of the debtors' federal, state and any property tax returns, as soon as prepared; all 2018 income and property tax refunds, as soon as issued; copies of the debtors' 2019 federal, state and any property tax returns, as soon as prepared; and, all 2019 income and property tax refunds, proportionate to the date of filing, as soon as issued.

Dated:

Kathleen H. Sanberg
United States Bankruptcy Judge